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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,190	12/30/1999	KRISTIAN MATS LINDSKOG	040020-167	6051
27045	7590	10/18/2004	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR C11 PLANO, TX 75024			BURD, KEVIN MICHAEL	
			ART UNIT	PAPER NUMBER
			2631	

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/475,190

Applicant(s)

LINDSKOG ET AL.

Examiner

Kevin M. Burd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 22-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. This office action, in response to the request for reconsideration (RCE) filed 8/20/2004, is a non-final office action.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/20/2004 has been entered.

Response to Arguments

3. Applicant's arguments stated in the remarks filed 8/20/2004, with respect to the rejections of the claim have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Larson (US 4,569,042).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 6-10, 12-19, 37-41, 43, 44, 46-52 are rejected under 35

U.S.C. 102(b) as being anticipated by Larson (US 4,569,042).

Regarding claims 1, 4, 6, 7, 18, 19, 37, 43, 50 and 51, Larson discloses a network including a first and second node as shown in figure 1. A first node 100 transmits packets to a second node. The packets include a time of transmission or time stamp (column 3, lines 3-5). The second node 101 transmits a signal to the first node 100 comprising a reply time stamp (the time of transmission of the reply) and the time stamp of the first transmission (column 9, lines 49-60). The difference between these two time stamps will represent an estimate of the transmission time between the two nodes. The first node 100 uses a difference calculator 204 to calculate the asynchrony, or difference, between the clocks at each node (column 10, lines 54-55) using the time stamps from each node and the estimation of the time interval (column 10, line 43 to column 11, line 17).

Regarding claims 2, 10, 12, 38, 39, 41, 44, 46 and 52, the asynchrony could be used by the logic and control unit 202 to synchronize clock 200 of node 100 with the clock of node 101 (column 11, lines 21-24).

Regarding claim 3, the difference between the time stamp in second node 101 and first node 100 is the time period of the transmission.

Regarding claims 8 and 9, over time each sender will transmit a plurality of time stamps and each receiver will receive a plurality of time stamps.

Regarding claims 13-15, more than one sender and one receiver will be present in the system. These additional elements are also in communication with the element of the system.

Regarding claims 16, 17, 48 and 49, any packet transmission system is capable of utilizing this system.

Regarding claims 40 and 47, if the packet is not received within a predetermined time period, a timeout occurs (column 9, line 67 to column 10, line 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 11, 20, 22-36, 42 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson (US 4,569,042) in view of Greer et al (US 5,697,082).

Regarding claims 5, 11, 42 and 45, Larson discloses the method stated above in paragraph 4. Larson does not disclose using a Kalaman observer for calculating the asynchrony, or difference between the clocks of node 100 and node 101. Greer discloses the use of a Kalaman filter to calibrate an oscillator. The Kalaman filter allows the proper correction of the oscillator to be conducted to correct for errors due to aging of the terminal oscillator (column 2, lines 46-63). Therefore it would have been obvious for one of ordinary skill in the art at the time of the invention to use the Kalaman filter of

Greer in the system and method of Larson to allow the difference in the clocks to be compensated for properly so the oscillators are synchronized. This allows data to be transferred correctly.

Regarding claims 20, 22, 23, 29, 30, 32, 35 and 36, Larson discloses a network including a first and second node as shown in figure 1. A first node 100 transmits packets to a second node. The packets include a time of transmission or time stamp (column 3, lines 3-5). The second node 101 transmits a signal to the first node 100 comprising a reply time stamp (the time of transmission of the reply) and the time stamp of the first transmission (column 9, lines 49-60). The difference between these two time stamps will represent an estimate of the transmission time between the two nodes. The first node 100 uses a difference calculator 204 to calculate the asynchrony, or difference, between the clocks at each node (column 10, lines 54-55) using the time stamps from each node and the estimation of the time interval (column 10, line 43 to column 11, line 17).

Larson does not disclose using a Kalaman observer for calculating the asynchrony, or difference between the clocks of node 100 and node 101. Greer discloses the use of a Kalaman filter to calibrate an oscillator. The Kalaman filter allows the proper correction of the oscillator to be conducted to correct for errors due to aging of the terminal oscillator (column 2, lines 46-63). Therefore it would have been obvious for one of ordinary skill in the art at the time of the invention to use the Kalaman filter of Greer in the system and method of Larson to allow the difference in the clocks to be

compensated for properly so the oscillators are synchronized. This allows data to be transferred correctly.

Regarding claims 24, 27, 28, 33 and 34, any packet transmission system is capable of utilizing this system.

Regarding claims 25, 26 and 31, more than one sender and one receiver will be present in the system. These additional elements are also in communication with the element of the system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Burd whose telephone number is (571) 272-3008. The examiner can normally be reached on Monday - Thursday 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin M. Burd

10/16/2004

**KEVIN BURD
PATENT EXAMINER**